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January 16, 2018

VIA ECF

Honorable Barbara C. Moses
United States Magistrate Judge
United States District Court
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Rachel Tyman and Johnathan Robinson, on behalf
of themselves and all others similarly situated,
v. Pfizer, Inc., Case No. 1:16-cv-06941-LTS-BCM*

Dear Magistrate Judge Moses:

Plaintiffs and Defendant Pfizer Inc. ("Pfizer") submit this joint letter pursuant to the Court's December 27, 2017, Order (Dkt. No. 58) instructing the parties to "submit a joint letter via ECF . . . outlining the progress of discovery to date and advising the Court of any proposed modifications to the current discovery limits." Further, the Court ordered that "to the extent that the parties are in disagreement concerning any proposed modifications, they shall succinctly set forth their respective positions without argument." (*Id.*)

Progress on Written Discovery to Date

Pursuant to the Court's Order dated July 11, 2017 [Dkt. No. 48], discovery to-date has been limited in scope to liability, and limited in method to written document requests and interrogatories. The parties have exchanged the following permitted discovery:

Discovery Item:	Date of Service:	Date of Response:
Pls.' Initial Disclosures	April 5, 2017	N/A
Def.'s Initial Disclosures	April 5, 2017	N/A
Pls.' Interrogatories	March 31, 2017	May 22, 2017

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Def.'s Interrogatories	July 9, 2017	September 1, 2017
Pls.' Reqs. for Production	March 31, 2017	Written Responses: May 22, 2017
Def.'s Reqs. for Production	July 9, 2017	Written Responses: September 1, 2017
ESI Search Terms	Agreement reached on August 24, 2017	

Plaintiffs served Pfizer a discovery deficiency letter on June 13, 2017, in a good faith effort to resolve various alleged deficiencies in Pfizer's Responses to Interrogatories and Requests for Production. The parties met and conferred on the issue on June 20, 2017. In light of the motion practice on the pleadings, current limits on discovery, and ongoing document production, Pfizer has not yet provided supplemental written responses, but has agreed to provide supplemental responses. Upon receipt of Pfizer's supplemental responses and further document production, Plaintiffs reserve the right to seek to compel any response that Plaintiffs still consider deficient.

Progress on Document Discovery to Date

Since the Court's July 11, 2017, Order (Dkt. No. 48) limiting the form and scope of discovery, Pfizer has produced documents to Plaintiffs in two installments. ESI search terms were agreed upon on August 24, 2017. The first installment was produced on September 1, 2017, and was comprised of 119 pages. The second installment was produced on December 15, 2017, and was comprised of 51,359 pages. Pursuant to the Court's July 11, 2017, Stipulated Protective Order of Confidentiality (Dkt. No. 49), a privilege log relating to the second installment of Pfizer's document production is due to be produced at the end of January 2018.

As result of its second production installment, Pfizer expanded the number of custodians and is currently working on a third installment of its document production, which it anticipates producing to Plaintiffs on or about March 15, 2018, and which it anticipates will facilitate any further discovery.

Proposed Modifications to the Discovery Limits

In light of the Court's ruling on Pfizer's Motion to Dismiss (Dkt. No. 16) and Motion to Strike Nationwide Class Claims (Dkt. No. 18), the Parties propose that the pending discovery stay be lifted as follows:

March 1, 2018: Pfizer's Answer Deadline.

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- March 1, 2018:** The discovery limits are lifted, except that the scope of damages and Class Certification discovery is limited to New York and Florida.
- March 15, 2018:** Pfizer anticipates producing the third installment of its document production.
- April 9, 2018** Pfizer anticipates producing its fourth installment of its document production to include documents related to the damages and class certification issues, if any, not included in prior productions due to the prior limits.
- April 9, 2018:** Pfizer shall amend and otherwise supplement its written discovery responses.
- May 30, 2018:** Date by which the names (if known) or description of all fact witnesses to be deposed shall be disclosed (to the extent not previously disclosed in Initial Disclosures). (90 days following Answer)
- November 26, 2018:** Date for close of all fact discovery, including fact witness depositions. (270 days following Answer)
- January 15, 2019:** Date by which Plaintiffs' expert reports and other expert disclosures, and any corresponding reports, will be supplied to the adversary. (320 days following Answer)
- February 15, 2019:** Date by which Defendant's expert reports and other expert disclosures, and any corresponding reports, will be supplied to the adversary. (351 days following Answer)
- March 8, 2019:** Date by which any rebuttal expert reports, and any corresponding reports, will be supplied to the adversary. (372 days following Answer)

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March 22, 2019: Date by which Plaintiffs' expert depositions shall be completed. (386 days following Answer)

April 30, 2019: Date by which Defendant's expert depositions shall be completed. (425 days following Answer)

June 29, 2019: Date for close of all discovery. (485 days following Answer)

Other than the deadline to answer or the date for the close of all discovery, the parties request the ability to stipulate to reasonable variations in the schedule.

Respectfully submitted,

s/Thomas E. Fox

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s/Kim E. Richman

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cc: All Counsel of Record